

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC

Plaintiff,

v.

WELLS FARGO & CO.,

Defendants.

Civil Action No. 2:12-cv-61-JRG-RSP

CONSOLIDATED

JURY TRIAL DEMANDED

**AGREED MOTION FOR ENTRY OF JUDGMENT
AND DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff, TQP Development, LLC, (“TQP”) and Defendant, Wells Fargo Bank, N.A. (“Wells Fargo”), file this Agreed Judgment and Dismissal With Prejudice, and respectfully show the Court as follows:

TQP hereby dismisses with prejudice any and all claims or causes of action that have been or could have been brought in this lawsuit against Wells Fargo and/or any of Wells Fargo’s parents, subsidiaries, affiliates, or any person or entity that could have been sued by virtue of accessing any Wells Fargo branded website or system that has been or could have been accused of infringement relating to or involving United States Patent No. 5,412,730.

Wells Fargo hereby dismisses with prejudice any and all claims or causes of action that have been or could have been brought against TQP in this lawsuit that relate to or involve United States Patent No. 5,412,730.

Further, the parties agree that this Agreed Judgment and Dismissal with Prejudice, as well as the judgment attached hereto for the Court’s consideration and execution, constitute a

final judgment on the merits. The parties agree that each party shall bear its own fees and costs in conjunction with this litigation.

WHEREFORE, TQP and Wells Fargo respectfully request that the Court enter the Agreed Judgment and Dismissal with Prejudice attached hereto in its entirety.

Dated: October 4, 2013

Respectfully Submitted,

ATTORNEYS FOR PLAINTIFF TQP DEVELOPMENT, LLC	ATTORNEYS FOR DEFENDANT WELLS FARGO BANK, N.A.
<p><u>/s/ Paul A. Kroeger</u></p> <p>Andrew W. Spangler State Bar No. 24041960 Spangler & Fussell P.C. 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403 Email: spangler@sfpfirm.com</p> <p>Marc Fenster Email: mfenster@raklaw.com Adam Hoffman Email: ahoffman@raklaw.com Alexander Giza Email: agiza@raklaw.com Paul A. Kroeger Email: Pkroeger@raklaw.com</p> <p>Russ August & Kabat 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025 310-826-7474 Fax: 310-826-6991</p>	<p><u>/s/ Bart Rankin</u></p> <p>Jay F. Utley Texas Bar No. 00798559 E-Mail: jay.utley@bakermckenzie.com W. Barton Rankin Texas Bar No. 24037333 E-Mail: bart.rankin@bakermckenzie.com Mackenzie M. DeWerff Texas Bar No. 24066659 E-Mail: mackenzie.dewerff@bakermckenzie.com</p> <p>BAKER & MCKENZIE LLP 2300 Trammell Crow Center 2001 Ross Avenue Dallas, Texas 75201 Telephone: (214) 978-3000 Facsimile: (214) 978-3099</p>

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on October 4, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Paul A. Kroeger
Paul A. Kroeger